

1 Brian Yu
2 Debtor in Pro Per
3 36500 Alder Ct,
4 Fremont, CA 94536

5 **UNITED STATES BANKRUPTCY COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
7 **OAKLAND DIVISION**

8 In re:

9 BRIAN YU,

10
11 Debtor.

Case No. 22-41315 WJL
Chapter 13

**EX PARTE MOTION TO VACATE THE
ORDER DISMISSING CHAPTER 13
PROCEEDING; CERTIFICATE OF
SERVICE**

Judge: Hon. William J. Lafferty

14
15 The Debtor, Brian Yu, in Pro Per, hereby submits this Ex Parte Motion to Vacate the
16 Order Dismissing Chapter 13 case. The basis for this Ex Parte Motion is as follows:

- 17 1. The Debtor filed his Chapter 13 Case on December 29, 2022.
- 18 2. On February 13, 2023 under Dkt. No. 29, the Chapter 13 Trustee filed a Motion to
19 Dismiss the instant case for failure to make plan payments.
- 20 3. Additionally, on February 28, 2023, the Chapter 13 Trustee filed a Request to
21 Dismiss the instant case as the Debtor had failed to submit the required tax documents
22 in a timely manner.
- 23 4. Consequently, on the same day, February 28, 2023 under Dkt. No. 33, the Court
24 dismissed the instant case.
- 25 5. The Debtor is now current with his plan payments and has submitted the required tax
26 documents on time to the Chapter 13 Trustee's address in Hayward via USPS. (See a
27 true and correct copy of the USPS receipt confirming the mailing of the tax
28 documents attached as **Exhibit A**)

- 1 6. The Chapter 13 Trustee's office has confirmed that the Trustee's office now has the
2 Debtor's required tax documents.
- 3 7. The Debtor apologizes to the Court and the Chapter 13 Trustee for any delays in the
4 proceeding of his case. He has had COVID in the past two weeks and is only now
5 back to his normal self.
- 6 8. The Debtor intends to pursue his case responsibly going forward and asks the Court
7 for the opportunity to do so. He will deliver all requested documents in a timely
8 manner and attend all required, upcoming hearings/meetings.

9 Therefore, the Debtor respectfully asks the Court to vacate the Order dismissing his
10 case and allow him to pursue this Chapter 13.

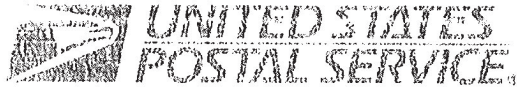
11 Respectfully submitted,

12 Dated: March 3, 2023

13 /s/ Brian Yu
14 Brian Yu, Pro Per

15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A



FREMONT
37010 DUSTERBERRY WAY
FREMONT, CA 94536-9998
(800)275-8777

02/20/2023 03:11 PM

Product	Qty	Unit Price	Price
---------	-----	------------	-------

First-Class Mail® Letter	1		\$0.87
--------------------------	---	--	--------

Hayward, CA 94540
Weight: 2.00 oz

Forever® Postage Stamp	1	\$0.63	\$0.63
------------------------	---	--------	--------

Grand Total:			\$1.50
--------------	--	--	--------

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

**1. EX PARTE MOTION TO VACATE THE ORDER DISMISSING CHAPTER 13
PROCEEDING; CERTIFICATE OF SERVICE,**

BY ELECTRONIC TRANSMISSION: I also caused to be served the above-described documents by means of electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, to the following parties and/or counsel who are registered ECF users: ***All CM/ECF registered participants.***

I declare under penalty of perjury that the above statements are true and accurate.

/s/ Vidya Parkash
Vidya Parkash